

porations operating railroads or street railways for injuries to their servants and employes, and to prohibit contracts between employer and employe, based upon the contingency of the injury or death of the employe, limiting the liability of the employer for damages."

Was made special order for Wednesday, February 3, after morning call, and from day to day.

On motion of Senator Colquitt,

Senate bill No. 52, a bill to be entitled "An act to require every express company to keep a general office in this State, and to furnish such information in relation to its property, indebtedness and business as may be required by the Railroad Commission of Texas."

Was made special order for to-morrow after call.

On motion of Senator Morriss, the Senate adjourned to 10 a. m. to-morrow.

SEVENTEENTH DAY.

Senate Chamber,

Austin, Tex., Tuesday, Feb. 2,

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Morriss.
Beall.	Neal.
Boren.	Rogers.
Bowser.	Ross.
Burns.	Stafford.
Colquitt.	Terrell.
Darwin.	Tillett.
Dibrell.	Turney.
Goss.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Lewis.	Yett.
Linn of Wharton.	

Absent.

Bailey.	Stone.
Presler.	

Excused.

Gough.	Linn of Victoria.
Greer.	

Prayer by the Chaplain, Rev. F. S. Jackson.

Pending the reading of the Journal of yesterday,

On motion of Senator Woods, the same was dispensed with.

On motion of Senator Linn of Wharton, Ex-Senator Lasker of Galveston

was accorded the privileges and courtesies of the floor.

On motion of Senator Turney,

Senator Presler was excused from attendance upon the Senate for one week, on account of important business.

On motion of Senator Boren,

Senator Stone was excused until Thursday next, on account of important business.

On motion of Senator Rogers,

Senator Bailey was excused until Friday next, on account of important business.

On motion of Senator Harrison,

Senator Beall was excused for yesterday, on account of important business.

On motion of Senator Boren,

Master Garvie Harrison was indefinitely excused, on account of sickness.

On motion of Senator Dibrell, the Engrossing Clerk, W. F. Linn, was excused for yesterday, on account of sickness in his family.

PETITIONS AND MEMORIALS.

By Senator Rogers:

Memorial of Galveston printers, praying for passage of Senate bill No. 110, relative to State printing.

Read and referred to Committee on Public Printing.

By Senator Rogers:

Petition of citizens of Galveston for the passage of Senate bill No. 110, relating to public printing.

Read and referred to Committee on Public Printing.

By Senator Rogers:

Petition of trades unions of Galveston, favoring the passage of Senate bill No. 110, relating to public printing.

Read and referred to Committee on Public Printing.

By Senator Atlee:

Petition of citizens of Southwest Texas, asking for an increased appropriation for the maintenance of the ranger service of the State.

COMMITTEE REPORTS.

Committee Room.

Austin, Texas, Feb. 1, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 35, a bill to be entitled "An act to amend title VII, chapter 2, of the Penal Code of the State of Texas, by adding after article 198 of said chapter article 198a, for the purpose of prohibiting the playing of

football and baseball on Sunday, and defining the punishment therefor."

Have had the same under consideration, and I am instructed in its stead to report the committee substitute to the Senate, with the recommendation that the substitute do pass.

STAFFORD, Chairman.

Committee Room,
Austin, Texas, Feb. 1, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 102, a bill to be entitled "An act to repeal articles 513b, 513c, 513d and 520, chapter 5, title 13, of the Penal Code of the State of Texas, and to amend articles 510, 511, 512, 513, 514, 515, 516, 517 and 518 of said chapter and title, and to further amend said chapter by adding thereto articles 517a, 518a, 518b, 518c, 518d, 518e, 518f and 518g, relating to the protection of fish, birds and game; and to repeal all laws and parts of laws in conflict therewith."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

STAFFORD, Chairman.

Committee Room,
Austin, Texas, Feb. 1, 1897.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

House bill No. 30, a bill to be entitled "An act to amend article 904 of title 10 of the Code of Criminal Procedure, relating to appeal and writ of error, and to repeal all laws and parts of laws in conflict herewith."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

STAFFORD, Chairman.

Committee Room,
Austin, Texas, Feb. 1, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

House bill No. 38, a bill to be entitled "An act to amend article 887, title 10, of the Code of Criminal Procedure of the State of Texas, prescribing the form of a recognizance in appeals of cases of misdemeanor, and to repeal all laws and parts of laws in conflict herewith."

Have had the same under considera-

tion, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

STAFFORD, Chairman.

Committee Room,
Austin, Texas, Feb. 1, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

House bill No. 109, a bill to be entitled "An act relating to the presence of minors in court rooms,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

STAFFORD, Chairman.

Committee Room,
Austin, Texas, Feb. 1, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 127, a bill to be entitled "An act to provide for the prosecution and punishment of a person found guilty of inducing, or attempting to induce, a witness not to appear or testify in any case in any court of this State or before any grand jury."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

STAFFORD, Chairman.

Committee Room,
Austin, Texas, Feb. 2, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 36, a bill to be entitled "An act to amend article 723, title VIII, chapter 5, of the Code of Criminal Procedure of the State of Texas, relating to the reversal of cases by the Court of Criminal Appeals."

And find the same correctly engrossed.

BOREN, Acting Chairman.

Committee Room,
Austin, Texas, Feb. 1, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 57, a bill to be entitled "An act making an appropriation to pay for publishing the constitutional amendments proposed by the Twenty-fourth Legislature."

And find the same correctly engrossed.

BOREN, Acting Chairman.

Committee Room,

Austin, Texas, Feb. 1, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 18, a bill to be entitled "An act to amend article 386c, chapter I, of the Revised Civil Statutes of Texas, relating to cities and towns,"

And find the same correctly engrossed.

BOREN, Acting Chairman.

BILLS AND RESOLUTIONS.

By Senator Linn of Wharton:

Senate bill No. 131, a bill to be entitled "An act to amend article 920, of the Revised Civil Statutes, title XXVI, of the State of Texas, relating to county treasurers."

Read first time and referred to Judiciary Committee No. 1.

By Senator Linn of Wharton:

Senate bill No. 132, a bill to be entitled "An act to amend article 2469 of the Revised Civil Statutes of the State of Texas, relating to the commissions of county treasurers."

Read first time and referred to Judiciary Committee No. 1.

By Senator Ross:

Senate bill No. 133, a bill to be entitled "An act to amend section 20, of the Final Title of the Revised Civil Statutes of the State of Texas, so as not to conflict with article 991 of such Revised Statutes, fixing the terms of the Courts of Civil Appeals."

Read first time and referred to Judiciary Committee No. 2.

By Senator Terrell:

Senate bill No. 134, a bill to be entitled "An act to amend article 856, chapter 4, title 9, relating to the hiring out and working of convicts on the public works where such convict is convicted of a felony or misdemeanor and his penalty is assessed at a pecuniary fine and he makes oath that he is unable to pay such fine and costs."

Read first time and referred to Judiciary Committee No. 2.

By Senator Woods:

Senate bill No. 135, a bill to be entitled "An act to amend article 2325 of the Revised Statutes of the State of Texas, relating to executions."

Read first time and referred to Judiciary Committee No. 1.

By Senator Woods:

Senate bill No. 136, a bill to be entitled "An act to amend article 3102 of the Revised Civil Statutes of the State of Texas, title LIX, relating to interest."

Read first time and referred to Judiciary Committee No. 1.

By Senator Lewis:

Senate bill No. 137, a bill to be entitled "An act to provide for the destruction of wolves and other wild animals, and the payment by the county commissioners of a bounty therefor."

Read first time and referred to Committee on Stock and Stock Raising.

By Senator Bowser.

Senate bill No. 138, a bill to be entitled "An act to amend section 2439, chapter 1, of title XLV, of the Revised Statutes of Texas, relating to the fees the Secretary of State is authorized and required to charge for the use of the State for charters, amendments and supplements thereto, and to repeal all laws and parts of laws in conflict with this act in so far as they may affect the same."

Read first time and referred to Committee on Finance.

By Senator Beall:

Resolved, that the President of the Senate appoint committees to visit the several public institutions of this State as follows:

1. A committee to visit the State Lunatic Asylum, the Texas Deaf and Dumb Asylum, the Institute for the Blind, and the Institute for Deaf, Dumb and Blind Colored Youths.

2. A committee to visit the Confederate Home, and the Southwestern Insane Asylum.

3. A committee to visit the University of Texas and its Medical Branch.

4. A committee to visit the Agricultural and Mechanical College, the Prairie View Normal, and the Sam Houston Normal.

5. A committee to visit the North Texas Insane Asylum and the Orphan Home.

6. A committee to visit the Penitentiaries and the House of Correction and Reformatory.

Said committees shall consist of 3 members each, and are directed to visit as soon as possible the several institutions above named, and shall report in writing to the Senate the condition of the respective institutions, and especially with reference to the necessities for the respective appro-

priations asked for at the hands of this Legislature.

The actual necessary expenses of the said committee shall be paid out of the appropriation for the contingent expenses of the Legislature.

By Senator Boren:

Amend by striking out State Penitentiaries, Reformatories and House of Correction.

Adopted.

The resolution as amended was adopted.

By Senator Dibrell:

Whereas, for the past few years many men of this State have been summarily dealt with by an aggregation of citizens, composed, in many instances, of some of the best and most law abiding in our State; and

Whereas, It is believed the spirit of mob violence in this State is impelled by the commission of unnatural and inhuman crimes by those who fall into the hands of such violence, and in consequence of the slow processes of our criminal law and its doubtful certainty, and not from a desire to defy the law of the land or to commit human atrocity; and

Whereas, it is a source of great regret and a reflection on the execution of the criminal laws of this State that summary executions should be necessary for the protection of the lives of our citizens and the honor of our women; and

Whereas, all Texas with marked unanimity is strongly in favor of and anxious to abolish summary executions without due process of law;

Therefore, to the end that mob violence shall cease in Texas and her people be relieved of this source of regret, and for the most efficient means of its prevention, be it

Resolved, that each and every male member of society in this State, without distinction of color or race, be admonished and implored to abstain from murder and rape.

By Senator Tillett:

Amend by striking out the word "many" and substitute therefor the words "a few," in line 1.

Pending action, on motion of Senator Beall, the resolution and amendment were referred to the Committee on Penitentiaries.

Call concluded.

SPECIAL ORDER.

The Chair laid before the Senate Senate bill No. 52, a bill to be entitled "An act to require every express

company to keep a general office in this State, and to furnish such information in relation to its property, indebtedness and business as may be required by the Railroad Commission of Texas."

Bill read second time.

By Senator Colquitt:

Amend by adding section 3, as follows:

"Sec. 3. Every express company doing business as such in this State shall within ninety days after the passage of this act establish the general office provided for in this act at some point on their line of transportation in this State, and shall immediately give notice in writing to the Railroad Commission of Texas of the place at which such general office is located, and shall at the same time give notice in writing to said Commission of the name and official designation of the person or persons, officer or officers, charged with the management of such general office, and shall from time to time give like notices in writing of any changes of location of such general office or of the person or persons, officer or officers, charged with its management. A failure to comply with any of the provisions of this section shall be a misdemeanor, and shall be sufficient cause for withdrawing from such express company the privilege of doing business as such in this State."

Adopted.

By Senator Yantis:

(S. B. 52, amendment 2.) Amend by striking out the words "the offending company and," in line 22, page 1.

By Senator Goss:

Substitute for amendment 2: Amend by striking out the words "be deemed and held to be a misdemeanor and shall," in line 21 of section 1.

Senator Yantis accepted the substitute and the amendment as substituted was then adopted.

By Senator Dibrell:

(Senate bill No. 52, amendment 3): Amend by substituting the word "penalty" for the word "fine," in line 23 of section 1.

Adopted.

By Senator Atlee:

Amend by inserting after "company," in line 22, the following: "So offending."

Adopted.

By Senator Tillett:

Amend by inserting after the word "secretary," in line 7, page 2, the words "or other proper officer."

Lost.

By Senator Morriss:

Amend by inserting in line 25, after the word "offending," the words "also to a forfeiture of " in lieu of "to forfeit."

Lost.

By Senator Beall:

Amend section 1 by striking out all after the word "State," in line 26, and insert in lieu thereof the following: "The Railroad Commission of Texas shall report to the Attorney-General of the State the name of any company, and the officers, agents or employes thereof, violating any of the provisions of this act, and any suits to recover the penalties herein prescribed, or to forfeit the charter of such express company, shall be instituted and prosecuted in a court having jurisdiction in the county of Travis, in the State of Texas, by the Attorney-General of the State.

Adopted by the following vote:

Yeas—15.

Atlee.	Lewis.
Beall.	Linn of Wharton.
Boren.	Neal.
Darwin.	Ross.
Dibrell.	Tillett.
Goss.	Wayland.
Harrison.	Yantis.
Kerr.	

Nays—9.

Burns.	Terrell.
Colquitt.	Turney.
Morriss.	Woods.
Rogers.	Yett.
Stafford.	

Absent.

Bowser.	Greer.
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Excused.

Bailey.	Presler.
Gough.	Stone.
Linn of Victoria.	

By Senator Ross:

Amend section 2 by inserting after the word "company," in line 10, page 2, the following, "or any person in charge of said office."

Adopted.

The bill as amended was then ordered engrossed.

By unanimous consent, the following committee report was sent up:

Committee Room,

Austin, Texas, Feb. 2, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Penitentiaries, to whom was referred a resolution providing for a committee of three members from the Senate and House

of Representatives respectively to visit the penitentiaries of the State,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that the accompanying substitute concurrent resolution do pass.

BOREN, Chairman.

SUBSTITUTE CONCURRENT RESOLUTION.

Be it resolved, That the President of the Senate and the Speaker of the House of Representatives, the House of Representatives concurring herein, appoint three members of the committee on penitentiaries of the Senate and House of Representatives respectively, whose duty it shall be to visit the State penitentiaries at Rusk, Cherokee county, and Huntsville, Walker county, the State farms on which State convicts are worked by or under lease, and railroad camps where convicts are worked under hire or lease; that said committee be and are hereby empowered to examine all persons connected with the management or control of said convicts, or other persons, as to the management and treatment of said convicts and their present condition; also to examine all manufacturing plants or establishments belonging to the State and operated by convict labor, all farms, machinery, teams and tools belonging to the State.

Be it further resolved, That said committee make report back to the Legislature during the present session, giving result of their investigations, together with such recommendations as to the future management and control of said convicts as in their judgment may be deemed for the best interest of said convicts and the State of Texas; that the necessary expenses incurred in making said visit and investigation be paid out of the contingent expense fund of the Twenty-fifth Legislature on itemized accounts being presented to and approved by the respective committees in the Senate and House of Representatives on contingent expenses.

On motion of Senator Boren, the above report was adopted.

PENDING BUSINESS.

The Chair laid before the Senate, on third reading,

Senate bill No. 43, a bill to be entitled "An act to amend article 672, title 8, chapter 3, of the Code of Criminal

Procedure of the Revised Statutes of the State of Texas of 1895,"

Action being on final passage.

(Senator Colquitt in the chair.)

By Senator Turney:

Amend by striking out "fifteen peremptory challenges" and insert "twenty peremptory challenges."

Lost by the following vote:

Yeas—8.

Boren.	Linn of Wharton.
Burns.	Turney.
Darwin.	Woods.
Kerr.	Yantis.

Nays—15.

Beall.	Rogers.
Colquitt.	Ross.
Dibrell.	Stafford.
Goss.	Terrell.
Harrison.	Tillett.
Lewis.	Wayland.
Morriss.	Yett.
Neal.	

Absent.

Atlee.	Bowser.
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Excused.

Bailey.	Linn of Victoria.
Gough.	Presler.
Greer.	Stone.

By Senator Terrell:

Amend by adding after "1895" in the caption, line 7, the following: "Relating to peremptory challenges in capital cases."

Adopted by the following vote:

Yeas—23.

Beall.	Neal.
Boren.	Rogers.
Burns.	Ross.
Colquitt.	Stafford.
Darwin.	Terrell.
Dibrell.	Tillett.
Goss.	Turney.
Harrison.	Wayland.
Kerr.	Woods.
Lewis.	Yantis.
Linn of Wharton.	Yett.
Morriss.	

Nays—none.

Absent.

Atlee.	Bowser.
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Excused.

Bailey.	Linn of Victoria.
Gough.	Presler.
Greer.	Stone.

The bill as amended was then passed.

On motion of Senator Lewis, regular business was suspended to take up on its second reading.

Senate bill No. 82, a bill to be entitled "An act to amend article 256 of

the Revised Civil Statutes of Texas, relating to applications for license to practice law."

Bill read second time.

By Senator Ross:

Amend by striking out in line 21, page 1, the words "on the," and by striking out in line 22, the words "next day," and inserting the words "within five days."

Adopted.

Bill as amended ordered engrossed.

The Chair laid before the Senate, on third reading,

Senate bill No. 36, a bill to be entitled "An act to amend article 723 of the Code of Criminal Procedure of the State of Texas,"

Bill read third time and passed by the following vote:

Yeas—18.

Beall.	Morriss.
Boren.	Rogers.
Colquitt.	Ross.
Darwin.	Stafford.
Dibrell.	Terrell.
Goss.	Tillett.
Harrison.	Wayland.
Kerr.	Yantis.
Lewis.	Yett.

Nays—5.

Burns.	Turney.
Linn of Wharton.	Woods.
Neal.	

Absent.

Atlee.	Bowser.
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Excused.

Bailey.	Linn of Victoria.
Gough.	Presler.
Greer.	Stone.

BILLS ON SECOND READING.

The Chair laid before the Senate

Senate bill No. 13, a bill to be entitled "An act to abolish the unorganized counties of Buchel and Foley, and to incorporate their territory into the county of Brewster; to provide for the payment of certain bonds held by the State against such unorganized counties out of funds now held to their credit, etc."

Bill read second time and ordered engrossed.

The Chair laid before the Senate,

Senate bill No. 23, a bill to be entitled "An act to provide a mode of service binding upon the inhabitants of an unincorporated town or village to whom land grants have been made, in suits affecting the title to any such grants."

Bill read second time and ordered engrossed.

The Chair laid before the Senate,

Senate bill No. 30, a bill to be entitled "An act to enable the Railroad Commission of Texas to make emergency freight rates to prevent the evil effects of interstate rate wars upon the business and interests of the people and railroads of this State."

Bill read second time, and pending action,

On motion of Senator Kerr, the Senate adjourned until 10 a. m. to-morrow.

EIGHTEENTH DAY.

Senate Chamber,
Austin, Tex., Wednesday, Feb. 3.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Morris.
Beall.	Neal.
Boren.	Rogers.
Bowser.	Ross.
Burns.	Stafford.
Colquitt.	Terrell.
Darwin.	Tillett.
Dibrell.	Turney.
Goss.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Linn of Wharton.	Yett.

Absent.

Lewis.

Excused.

Bailey.	Linn of Victoria.
Gough.	Presler.
Greer.	Stone.

Prayer by the Chaplain, Rev. F. S. Jackson.

Pending the reading of the Journal of yesterday,

On motion of Senator Wayland, the same was dispensed with.

On motion of Senator Woods,

Senator Yantis was excused for the remainder of the week, on account of important business.

On motion of Senator Beall,

Senator Harrison was excused until Tuesday next, on account of important business.

PETITIONS AND MEMORIALS.

By Senator Wayland: Petition of citizens of Robertson county for an amendment to the assignment law, prohibiting preferences.

Read and referred to Judiciary Committee No. 1.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, Feb. 3, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 82, a bill to be entitled "An act to amend article 256, of the Revised Civil Statutes of Texas, relating to applications for license to practice law."

And find the same correctly engrossed.

BOREN, Acting Chairman.

Committee Room,
Austin, Texas, Feb. 2, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 52, a bill to be entitled "An act to require every express company to keep a general office in this State and to furnish such information in relation to its property, indebtedness and business as may be required by the Railroad Commission of Texas,"

And find the same correctly engrossed.

BOREN, Acting Chairman.

Committee Room,
Austin, Texas, Feb. 3, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 13, a bill to be entitled "An act to abolish the unorganized counties of Buchel and Foley and incorporate their territory in the county of Brewster, to provide for the payment of certain bonds held by the State against said unorganized counties out of funds now on hand to their credit, and for the transfer and payment of the balance of said funds to the proper officers and said Brewster county,"

And find the same correctly engrossed.

BOREN, Acting Chairman.

Committee Room,
Austin, Texas, Feb. 2, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared